IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4532 OF 2005

ICICI Bank Limited : Petitioner

V/s.

Ajinkyatara Sahakari Sakhar Karkhana Ltd.

& Anr. : Respondents

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Mr.B.Saraf i/b. Manilal Kher Ambalal & Co., for the petitioner.

Mr.A.B.Vagyani for the respondent no.1.

Mr.S.M.Gorwadkar for the respondent no.2.

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CORAM : S.A. BOBDE, J.

July 13, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Vagyani for the respondent no.1 and Mr.Gorwadkar for the respondent no.2, appear and waive service of rule.

Heard by consent.

2. The petitioner-Bank is aggrieved by an order restraining them from encashing the Bank guarantee in their favour. They are aggrieved by the order of the

Courts below refusing to vary the injunction, under Order 39 Rule 4.

3. By consent, this Writ Petition is disposed of by the following order:-

The injunction application is fixed before the learned trial Court on 15.7.2005. The trial Court shall proceed to dispose of the injunction application, in accordance with law. Mr.Sarf, the learned counsel for the petitioner, states that the petitioner's application under Order 39 Rule 4 may be treated as a reply to exh.5 filed by the respondent no.1-plaintiff. In any event, the learned trial Judge shall dispose of the matter not later than one week from 15.7.2005.

4. Parties be given authenticated copy of this order.

Sd/-

S.A. BOBDE, J.